

STATE OF INDIANA )  
 ) SS:  
COUNTY OF SULLIVAN )

IN THE SULLIVAN CIRCUIT COURT  
2005 TERM  
CAUSE NO. 77C01-0508-MI-00272

CALVIN A. MADDOX, )  
Petitioner )  
 )  
VS. )  
 )  
CRAIG HANKS, )  
Respondent )

**FILED**  
IN CIRCUIT COURT

AUG 26 2005

*My. L. R. R.*  
Clerk, Sullivan Circuit Court

**ORDER**

Pursuant to I.C. 34-58-1-1, this Court has examined Plaintiff's Complaint and has determined, pursuant to I.C. 34-58-1-2, that the claim is frivolous in that it does not have an arguable basis in the law and does not state a claim upon which relief may be granted based on the following:

1. The Petitioner's pleading has failed to state a claim upon which relief may be granted by the Trial Court. The Petitioner has filed a Verified Petition For State Writ Of Habeaus Corpus which is a remedy to be utilized when a prisoner is entitled to immediate release from custody. The Petitioner's pleading does not contain any allegations stating that he is entitled to immediate release from custody.

Based on the foregoing, the Court has determined that Plaintiff's Complaint cannot proceed.

**SO RECOMMENDED** this 26<sup>th</sup> day of August, 2005.

*Ann Smith Mischler*  
ANN SMITH MISCHLER, Magistrate  
Sullivan Circuit Court

**SO ORDERED** this 26<sup>th</sup> day of August, 2005.

*P. J. Pierson*  
P. J. PIERSON, Judge of the  
Sullivan Circuit Court

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